

## Interview Summary

Application No.

10/607,434

Applicant(s)

ANSTADT ET AL.

Examiner

FRANCES P. OROPEZA

Art Unit

3766

All participants (applicant, applicant's representative, PTO personnel):

(1) Brian P. O'Shaughnessy.

(3) \_\_\_\_\_.

(2) Frances P. Oropeza.

(4) \_\_\_\_\_.

Date of Interview: 29 September 2008.

Type: a) ☒ Telephonic b) ☐ Video Conference  
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.

If Yes, brief description: \_\_\_\_\_.

Claim(s) discussed: 132, 134-149, 156, 157, 159-162, 245, 265 and 276.

Identification of prior art discussed: DE 199 51 220.5 to Ferrari.

Agreement with respect to the claims f) ☒ was reached. g) ☐ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

/Frances P. Oropeza/  
Patent Examiner

Examiner Note: You must sign this form unless it is an  
Attachment to a signed Office action.

Examiner's signature, if required

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments:

Examiner Oropeza called Mr. O'Shaughnessy to discuss DE 199 51 220.5 to Ferrari, to review the limitations of independent claims 245 and 265, and to propose amendments to the other listed claims that would place the application in condition for allowance.

Mr. O'Shaughnessy agreed to amend claim 245 so that claims 132, 134-149, 156, 157 and 159-162 would depend on claim 245.

In prior art DE 199 51 220.5 to Ferrari, Dr. Ferrari discloses a pericardial pressure augmentation system (PPA) to support and temporarily replace the pumping function of the heart. This patent appears to read on claim 265 as filed 9/11/08 based on the disclosure by Dr. Ferrari of: an encompassing cup, a turn-down edge of the double PPA sack, an epicardial suction effect, an elastic inner membrane resting directly on the surface of the ventricles, and a system that provides support of the cardiac function, including pumping of the blood and augmentation of the diastolic filling of the ventricles.

Mr. O'Shaughnessy agreed to amend claim 265 and cancel claim 276.

The agreed to changes to the claims are noted below:

The application has been amended as follows:

In claim 132, line 1, "process as recited in" has been deleted and --the method of-- has been inserted.

In claim 132, line 1, "131" has been deleted and --245-- has been inserted.

In claim 134, line 1, "process as recited in" has been deleted and --the method of-- has been inserted.

In claim 134, line 1, "131" has been deleted and --245-- has been inserted.

In claim 136, line 1, "process as recited in" has been deleted and --the method of-- has been inserted.

In claim 136, line 1, "131" has been deleted and --245-- has been inserted.

In claim 137, line 1, "process as recited in" has been deleted and --the method of-- has been inserted.

In claim 137 line 1, "131" has been deleted and --245-- has been inserted.

In claim 138, line 1, "process as recited in" has been deleted and --the method of-- has been inserted.

In claim 139, line 1, "process as recited in" has been deleted and --the method of-- has been inserted.

In claim 139, line 1, "131" has been deleted and --245-- has been inserted.

In claim 140, line 1, "process as recited in" has been deleted and --the method of-- has been inserted.

In claim 140, line 1, "131" has been deleted and --245-- has been inserted.

In claim 141, line 1, "process as recited in" has been deleted and --the method of-- has been inserted.

In claim 141, line 1, "131" has been deleted and --245-- has been inserted.

In claim 142, line 1, "process as recited in" has been deleted and --the method of-- has been inserted.

In claim 142, line 1, "131" has been deleted and --245-- has been inserted.

In claim 143, line 1, "process as recited in" has been deleted and --the method of-- has been inserted.

In claim 144, line 1, "process as recited in" has been deleted and --the method of-- has been inserted.

In claim 145, line 1, "process as recited in" has been deleted and --the method of-- has been inserted.

In claim 145, line 1, "131" has been deleted and --245-- has been inserted.

In claim 146, line 1, "process as recited in" has been deleted and --the method of-- has been inserted.

In claim 147, line 1, "process as recited in" has been deleted and --the method of-- has been inserted.

In claim 148, line 1, "process as recited in" has been deleted and --the method of-- has been inserted.

In claim 148, line 1, "131" has been deleted and --245-- has been inserted.

In claim 149, line 1, "process as recited in" has been deleted and --the method of-- has been inserted.

In claim 149, line 1, "131" has been deleted and --245-- has been inserted.

In claim 156, line 1, "process as recited in" has been deleted and --the method of-- has been inserted.

In claim 156, line 1, "131" has been deleted and --245-- has been inserted.

In claim 156, lines 1-2, "at least one" and "of said algorithm" have been deleted.

In claim 156, lines 2-3, "direct mechanical ventricular assistance apparatus" has been deleted and --cardiac assist device-- has been inserted.

In claim 157, line 1, "process as recited in" has been deleted and --the method of-- has been inserted.

In claim 157, line 1, "131" has been deleted and --245-- has been inserted.

In claim 157, lines 1-2, "at least one" and "of said algorithm" have been deleted.

In claim 157, lines 2-3, "direct mechanical ventricular assistance apparatus" has been deleted and --cardiac assist device-- has been inserted.

In claim 159, line 1, "process as recited in" has been deleted and --the method of-- has been inserted.

In claim 159, line 1, "131" has been deleted and --245-- has been inserted.

In claim 159, line 2, "exporting of said at least one" and "the" have been deleted.

In claim 160, line 1, "process as recited in" has been deleted and --the method of-- has been inserted.

In claim 160, line 1, "131" has been deleted and --245-- has been inserted.

In claim 161, line 1, "process as recited in" has been deleted and --the method of-- has been inserted.

In claim 161, line 1, "131" has been deleted and --245-- has been inserted.

In claim 159, line 2, "exporting of said at least one" and "the" have been deleted.

In claim 162, line 1, "process as recited in" has been deleted and --the method of-- has been inserted.

In claim 162, line 1, "131" has been deleted and --245-- has been inserted.

In claim 245, line 14, after "sensor", --measuring at least one parameter-- been inserted.

In claim 265, line 8, after "groove", --throughout systolic and diastolic actuation by imposing negative pressure between said cup and said heart-- has been inserted.

In claim 265, line 9, "and said tapered section is" has been deleted and --wherein the liner comprises a tapered unbonded transition section reducing in thickness to a thin section forming the liner-- has been inserted.

Claim 276 has been cancelled.

These changes to the claims will be accomplished by examiner's amendment.